



PATENT  
Attorney Docket: 3006.001900/KDG

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **CARBON NANOTUBE PARTICULATES, COMPOSITIONS AND USE THEREOF**, the Specification of which was filed on November 21, 2003 as Application Serial No. 10/719,689.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 and/or § 365 of any foreign application(s) for patent or inventor's certificate, PCT international application(s), and United States provisional application(s), listed below and have also identified below any foreign application for patent or inventor's certificate, PCT international application, or United States provisional application, having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
60/429,233 (Number)	US (Country)	November 26, 2002 (Date Filed)	Yes
60/429,264 (Number)	US (Country)	November 26, 2002 (Date Filed)	Yes/No
			Yes
			Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 and/or § 365 of any United States application(s) and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which becomes available between the filing date of the prior application and the national or PCT international filing date of this application:

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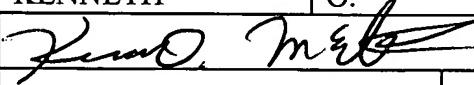
(Application Serial No.) (Filing Date) (Status)

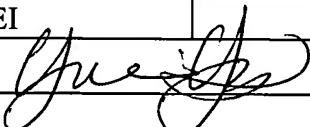
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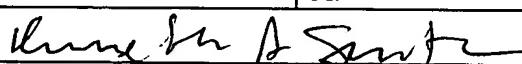
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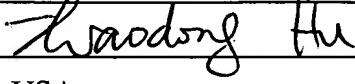
I hereby direct that all correspondence and telephone calls be addressed to Kenneth D. Goodman, Williams, Morgan & Amerson, P.C., 10333 Richmond, Suite 1100, Houston, Texas 77042, (713) 934-4094.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	KENNETH	O.	McELRATH
Inventor's Signature:			
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Inventor's Full Name:	KENNETH	A.	SMITH
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Inventor's Full Name:	XIAODONG	HU
Inventor's Signature:		
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Residence Address: (street, number, city, state, and/or country)	2002 S. Mason Road, Apt. #1529 Katy, Texas 77450	
Post Office Address: (if different from above)	same as above	



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

KENNETH O. McELRATH  
YUEMEI YANG  
KENNETH A. SMITH  
XIAODONG HU

Serial No.: 10/719,689

Filed: November 21, 2003

For: CARBON NANOTUBE PARTICULATES,  
COMPOSITIONS AND USE THEREOF

Group Art Unit: Unknown

Examiner: Unknown

Attorney Docket: 3006.001900/KDG

CUSTOMER NO. 23720

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints the practitioners at Customer Number 23720.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to CARBON NANOTECHNOLOGIES, INC., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Kenneth D. Goodman  
WILLIAMS, MORGAN & AMERSON, P.C.  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
(713) 934-4094

ASSIGNEE:  
CARBON NANOTECHNOLOGIES, INC.

By: Bob G Gower

Printed Name: Bob G Gower

Title: President & CEO

Date: 3-31-04

ASSIGNMENT:

- Concurrently filed  
 Previously recorded

Date: \_\_\_\_\_

Reel: \_\_\_\_\_

Frames: \_\_\_\_\_